

House Amendment 1745

PAG LIN

1 1 Amend Senate File 430, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by striking lines 2 and 3 and
1 4 inserting the following:
1 5 <This chapter shall be cited as the "Recognition
1 6 and Enforcement of Tribal Court Civil Judgments Act".>
1 7 #2. Page 1, line 14, by inserting after the word
1 8 <chapter.> the following: <For purposes of this
1 9 subsection, a "tribal court of record" is considered a
1 10 court of record if the court maintains a permanent
1 11 record of the tribal court's proceedings, maintains
1 12 either a transcript or electronic record of the tribal
1 13 court's proceedings, and provides that a final
1 14 judgment of a tribal court is reviewable on appeal.>
1 15 #3. Page 2, by striking line 3 and inserting the
1 16 following:
1 17 <Sec. 5. NEW SECTION. 626D.5 RECOGNITION AND
1 18 ENFORCEMENT OF>.
1 19 #4. Page 2, line 6, by striking the words <granted
1 20 full faith and credit> and inserting the following:
1 21 <recognized and enforced>.
1 22 #5. Page 2, by striking lines 13 and 14 and
1 23 inserting the following:
1 24 <3. A tribal judgment shall not be recognized and
1 25 enforced if the objecting party demonstrates by a
1 26 preponderance>.
1 27 #6. Page 2, by striking lines 18 through 22 and
1 28 inserting the following:
1 29 <b. A party was not afforded due process.
1 30 4. The court may recognize and enforce or decline
1 31 to recognize and enforce a tribal judgment on
1 32 equitable grounds for any of the following reasons:>
1 33 #7. Page 2, by striking lines 26 through 33 and
1 34 inserting the following:
1 35 <c. The tribal judgment is inconsistent with the
1 36 parties' contractual choice of forum provided the
1 37 contractual choice of forum issue was timely raised in
1 38 the tribal court.
1 39 d. The tribal court does not recognize and enforce
1 40 judgments of the courts of this state under standards
1 41 similar to those provided in this chapter.>
1 42 #8. Page 3, by striking lines 15 and 16 and
1 43 inserting the following:
1 44 <This chapter shall govern the procedures for the
1 45 recognition and enforcement by the courts of this
1 46 state of a civil>.
1 47 #9. Page 3, by striking line 20 and inserting the
1 48 following: <Act. The date that a cause of action
1 49 accrues shall be determined under the appropriate laws
1 50 of this state. This chapter does not impair the right
2 1 of a>.
2 2 #10. By renumbering as necessary.
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2 4
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2 6 _____
2 7 SWAIM of Davis
2 8
2 9
2 10 _____
2 11 STRUYK of Pottawattamie
2 12
2 13
2 14 _____
2 15 ANDERSON of Page
2 16
2 17
2 18 _____
2 19 WENDT of Woodbury
2 20
2 21
2 22 _____
2 23 SCHUELLER of Jackson
2 24

2 25
2 26 PALMER of Mahaska
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2 28
2 29
2 30 R. OLSON of Polk
2 31
2 32
2 33
2 34 OLDSO of Polk
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2 36
2 37
2 38 T. OLSON of Linn
2 39
2 40
2 41
2 42 HUSER of Polk
2 43
2 44
2 45
2 46 PAULSEN of Linn
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2 48
2 49
2 50 STAED of Linn
3 1 SF 430.707 82
3 2 rh/gg/8792